

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ARTICON HOTEL SERVICES, LLC,)
vs.)
Plaintiff,)
vs.)
CATLIN SPECIALITY INSURANCE)
COMPANY and STARSTONE)
NATIONAL INSURANCE COMPANY,)
Defendants.)
Case No. 18-CV-1730-SMY-SCW

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Articon Hotel Services, LLC ("Articon") originally filed a declaratory judgment action against Defendants Catlin Specialty Insurance Company ("Catlin"), Starstone National Insurance Company ("Starstone"), and Baldwin Enterprises, Inc. ("Baldwin") in the Twentieth Judicial Circuit, St. Clair County, Illinois. Starstone removed the action to this Court, asserting diversity jurisdiction pursuant to 28 U.S.C. § 1332 (Doc. 1). Now pending before the Court is Starstone's Motion to Withdraw Removal and Remand to State Court (Doc. 9). For the following reasons, the Motion is **GRANTED**.

A civil action may be removed to federal court if the district court has original jurisdiction. 28 U.S.C. § 1441. Courts have original jurisdiction of civil actions if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Complete diversity means that “none of the parties on either side of the litigation may be a citizen of the state of which a party on the other side is a citizen.” *Howell v.*

Tribune Entertainment Co., 106 F.3d 215, 217 (7th Cir. 1997) (citations omitted). Under 28 U.S.C. § 1332, a corporation is deemed to be a citizen of any state in which it has been incorporated and of the state where it has its principal place of business. *McMillian v. Sheraton Chicago Hotel & Towers*, 567 F.3d 839, 845 n.10 (7th Cir. 2009), quoting 28 U.S.C. 1332(c)(1).

In this case, Articon is a citizen of Illinois. Starstone, Catlin, and Baldwin are Delaware corporations. Following removal, however, Starstone learned that Baldwin's principal place of business is in Illinois. As such, Baldwin is a citizen of Delaware **and** Illinois, and complete diversity is lacking.

For the foregoing reasons, this Court does not have subject matter jurisdiction over this case is obligated to **REMAND** it back to the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois. The Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: October 9, 2018

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge